

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JOHN FLISS,

Plaintiff,

v.

IPEX, INC, a foreign corporation of
Canada; IPEX USA, LLC, a Delaware
corporation; IPEX COMPANY, a Colorado
corporation; and DOES 1 through 200,
inclusive,

Defendants.

No. 08-CV-01719 MJP

STIPULATION AND ORDER
REGARDING CONSIDERATION
OF PENDING MOTIONS

**Noted for Consideration:
May 13, 2009**

I. STIPULATION

On May 7, 2009, Defendants IPEX Inc. and IPEX USA LLC (collectively, “IPEX”) filed (1) Defendants’ Motion for Summary Judgment (Dkt. 39) with supporting declarations and exhibits; (2) Defendants’ Motion for Protective Order (Dkt. 45) with supporting declarations and exhibits; and (3) Defendants’ Motion to Strike John Fliss as Class Representative (Dkt. 48) with supporting declarations and exhibits (collectively, the “IPEX Motions”). The IPEX Motions were all noted for consideration on Friday, May 29, 2009.

1 To allow additional discovery by Plaintiff prior to preparation of Plaintiff's
2 responses to the IPEX motions, to facilitate potential settlement discussions between the
3 parties, and to coordinate discovery in this matter with discovery occurring in related
4 matters pending in other jurisdictions, the parties stipulate that the noting date for the
5 IPEX Motions should be continued to a later date. Accordingly, until IPEX files a
6 subsequent pleading re-noting the IPEX Motions for consideration, the parties
7 respectfully request that the current noting date of May 29, 2009 be stricken and that the
8 Court take no action with respect to the IPEX Motions.

9 DATED this 13th day of May, 2009.

10
11 McNAUL EBEL NAWROT & HELGREN PLLC

12 By: /s/ Gregory J. Hollon
13 Michael D. Helgren, WSBA No. 12186
14 Gregory J. Hollon, WSBA No. 26311
15 Avi J. Lipman, WSBA No. 37661
16 600 University Street, Suite 2700
17 Seattle, WA 98101-3143
Telephone: (206) 467-1816
Facsimile: (206) 624-5128
E-Mail: ghollon@mcnaul.com
E-Mail: mhelgren@mcnaul.com
E-Mail: alipman@mcnaul.com

18 Attorneys for Defendants IPEX Inc. and
19 IPEX USA LLC

20 TERRELL MARSHALL & DAUDT PLLC

21 By: /s/ Beth E. Terrell
22 Beth E. Terrell, WSBA #26759
23 Toby J. Marshall, WSBA #32726
24 3600 Fremont Avenue North
25 Seattle, WA 98103
26 Telephone: 206.816.6603
Facsimile: 206.350.3528
bterrell@tmdlegal.com
tmarshall@tmdlegal.com

Attorneys for Plaintiff

1
2 **II. ORDER**

3 Based on the foregoing Stipulation, Defendants' Motion for Summary Judgment
4 (Dkt. 39); Motion for Protective Order (Dkt. 45); and Motion to Strike John Fliss as Class
5 Representative (Dkt. 48) are hereby removed from consideration on the original noting
6 date of May 29, 2007. The Court will take no action with respect to those motions until
7 Defendants file a supplemental pleading re-noting the motions for consideration pursuant
8 to Local Rule WD. Wash. CR 7(d).

9 IT IS SO ORDERED.

10 DATED this 15th day of May, 2009.

11
12 

13 Marsha J. Pechman
14 United States District Judge

15
16 **Presented by:**

17 McNAUL EBEL NAWROT & HELGREN PLLC
18

19 By: /s/ Gregory J. Hollon
20 Michael D. Helgren, WSBA No. 12186
21 Gregory J. Hollon, WSBA No. 26311
22 Avi J. Lipman, WSBA No. 37661
23 600 University Street, Suite 2700
24 Seattle, Washington 98101
25 Telephone (206) 467-1816
26 mhelgren@mcnaul.com
ghollon@mcnaul.com
alipman@mcnaul.com

Attorneys for Defendant IPEX Inc. and
IPEX USA LLC

1 **Approved as to form; Notice of presentation waived:**

2
3 **TERRELL MARSHALL & DAUDT PLLC**

4 By: /s/ Beth E. Terrell

5 Beth E. Terrell, WSBA #26759

6 Toby J. Marshall, WSBA #32726

7 3600 Fremont Avenue North

8 Seattle, WA 98103

9 Telephone: 206.816.6603

10 Facsimile: 206.350.3528

11 bterrell@tmdlegal.com

12 tmarshall@tmdlegal.com

13
14 Attorneys for Plaintiff
15
16
17
18
19
20
21
22
23
24
25
26